



**CITY COUNCIL  
ATLANTA, GEORGIA**

**A SUBSTITUTE ORDINANCE**

**01-O-0640**

**BY FULL COUNCIL**

**AN ORDINANCE TO RE-ITERATE THE POLICY OF THE CITY COUNCIL TO CONSTRUCT A NEW CITY COURT FACILITY; TO DIRECT THE CHIEF FINANCIAL OFFICER TO TRANSFER \$13,722,401.70 FROM CERTAIN RESERVE ACCOUNTS TO THE ACCOUNT ESTABLISHED FOR THE LEASE/PURCHASE OF THE NEW CITY COURT FACILITY; TO REQUIRE THE PURCHASING DIRECTOR TO PREPARE A REPORT ON THE STATUS OF THE PROCUREMENT PROCESS REGARDING THE PROPOSED NEW CITY COURT FACILITY TO BE TRANSMITTED TO THE COURT HAVING JURISDICTION OVER THE CITY COURT LITIGATION; AND FOR OTHER PURPOSES**

**WHEREAS**, on June 7, 2000, three City Court Judges filed a lawsuit against the City of Atlanta, the Mayor, the Chief Financial Officer, the Contract Compliance Officer and members of the City Council in the Fulton Superior Court, concerning the funding and construction of a new City Court facility (Traffic Court); and

**WHEREAS**, on March 28, 2001, an order was entered in the Superior Court of Fulton County upholding the claims of the City Court Judges and, among other findings and determinations, enjoining the utilization of General Fund monies designated in 1997 for "The City Court of Atlanta Building Fund" account for any purposes other than the construction of the new City Court facility; ordering the City to redeposit \$13,722,401.70 into the restricted "City Court of Atlanta Building Fund" account and to deposit additional monies which should have been deposited between January 1, 2001 and March 31, 2001; and ordering the Defendants to complete all processing necessary to finalize the issue of construction of the new City Court building and to present the final construction contract to the City Council for determination on or before May 11, 2001; and

**WHEREAS**, by ordinance No. 97-O-1690, adopted December 1, 1997 and approved December 5, 1997, the Chief Financial Officer was directed to establish a restricted account in the City's General Fund in the name of "The City Court of Atlanta Building Fund" and beginning January 2, 1998, "the monthly amount previously deposited into the various additional penalties and surcharges fund shall be deposited into the restricted account;" and

**WHEREAS**, said ordinance further required "that the amount deposited in the restricted account is to be reviewed by the Finance Department of the City of Atlanta six months after the initial deposit is made for the purpose of determining if the amount deposited projected over a 12-month period would be sufficient . . . to pay the annual lease payment under the proposed lease purchase agreement;" and



**WHEREAS**, the Chief Financial Officer established such restricted account, deposited the funds therein and the Finance Department reviewed the amount deposited at the end of the six-month period and determined that said amount projected over a 12-month period should be sufficient to pay an annual lease payment under the proposed lease purchase agreement; and

**WHEREAS**, the funds were deposited into said account in the amount of approximately \$4 million dollars per year for the years 1998 and 1999 totaling \$8 million dollars being held in said reserve account; and

**WHEREAS**, by Ordinance No. 99-O-2079, adopted February 7, 2000 and approved February 15, 2000, funds in the approximate amount of \$4 million dollars to be deposited into the debt service fund for a new Traffic Court Building were authorized to be deposited into the debt service fund for a new Traffic Court Building were authorized to be utilized "to defray the expenses of the Police Department associated with enforcement of laws and ordinances relating to and regulating traffic" as allowed by Ga. L. 1996, p.627; and

**WHEREAS**, said Ordinance further authorized the Chief Financial Officer "to reinstate the accumulation of said funds/account for payment of principal and interest of the new Traffic Court building up to \$4 million effective upon the date required to accumulate enough funds to defray the cost of the annual principal and interest payment after the restricted reserve designated for the new Traffic Court building has been fully utilized for said purpose;" and

**WHEREAS**, between January 1, 2001 and March 31, 2001, \$1,722,401.70 should have been deposited into said restricted account creating a grand total of **\$13,722,401.70** as the amount deposited and/or credited to said account since January 2, 1998; and

**WHEREAS**, the City issued an RFP for the development of the City Court Project; and

**WHEREAS**, responses were received from proponents; and

**WHEREAS**, the Council of the City of Atlanta wishes to move forward on the procurement steps necessary to procure the services and land required for the construction of new City Court Building, and to demonstrate its intention to comply with the Superior Court's March 28, 2001 order.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS AS FOLLOWS:**

**Section 1:** That the Council re-iterates its policy and intent to construct the new City Court facility as expeditiously as possible, in compliance with the Superior Court's order of March 28, 2001.



**Section 2:** That the Chief Financial Officer is directed to transfer \$5,722,401.70 from Account Number 1A01 791001 T11X02319999 Reserve for Appropriations, and \$8,000,000.00 from Account Number 1A01 792007 T11X02319993 Reserve for Capital Projects to Account Number 1A01 792001 G41CO404999, which was established in 1998 for the lease/purchase of the new City Court facility.

**Section 3:** Be it further ordained that to the extent allowed by law, the City Council hereby requires Purchasing Director to report on the status of the procurement process regarding the proposed new City Court Facility, for transmission to the Fulton Superior Court in response to the portion of the March 28, 2001 order directing that the final construction contract to been presented to the City Council for determination by May 11, 2001, as soon as possible.

**Section 4:** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

A true copy,

*Phonda Dauphin Johnson*  
Municipal Clerk, CMC

ADOPTED as amended by the Council  
RETURNED WITHOUT SIGNATURE OF THE MAYOR  
APPROVED as per City Charter Section 2-403

MAY 21, 2001

MAY 30, 2001

RCS# 2895  
5/21/01  
9:21 PM

Atlanta City Council

Regular Session

01-O-0640      Direct CFO to transfer \$5,722,401.70 to  
                 Traffic Court Building Reserve  
                 ADOPT ON SUB

YEAS:      8  
NAYS:      4  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED:   1  
ABSENT     2

Y McCarty	N Dorsey	Y Moore	Y Thomas
B Starnes	E Woolard	Y Martin	Y Emmons
N Bond	Y Morris	Y Maddox	B Alexander
N Winslow	Y Muller	N Boazman	NV Pitts

01-O-0640

01-0-0640

(Do Not Write Above This Line)

A SUBSTITUTE ORDINANCE 01-O-0640

BY FINANCE/EXECUTIVE COMMITTEE

AN ORDINANCE TO DIRECT THE CHIEF FINANCIAL OFFICER TO TRANSFER \$5,722,401.70 FROM THE RESERVE FOR APPROPRIATIONS ACCOUNT TO THE RESERVE FOR CAPITAL PROJECTS ACCOUNT (TRAFFIC COURT BUILDING RESERVE); TO REQUEST THE PURCHASING DIRECTOR TO REPORT ON THE STATUS OF THE PROCUREMENT PROCESS REGARDING THE PROPOSED NEW CITY COURT FACILITY AT EACH FUTURE FINANCE/EXECUTIVE COMMITTEE MEETING; AND FOR OTHER PURPOSES. 5/21/01 - Substitute Brought Forward by Morris w/out objection

- ☒ CONSENT REFER  
☐ REGULAR REPORT REFER  
☐ ADVERTISE & REFER  
☐ 1st ADOPT 2nd READ & RE-ADOPTED B  
☐ PERSONAL PAPER REFER

Date Referred 5/7/01 COUNCIL

Referred To: Finance / Executive

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee Finance / Executive Committee  
Date 5/7/01  
Chair  
Referred to Finance / Executive Committee

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Referred to

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

FINAL COUNCIL ACTION

☒ 2nd ☐ 1st & 2nd ☐ 3rd

Readings

☐ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

CERTIFIED  
MAY 21 2001

ATLANTA CITY COUNCIL PRESIDENT

*Barbara A. Pate*

CERTIFIED  
MAY 3 2001

*Ronald D. Johnson*  
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

MAY 30 2001

WITHOUT SIGNATURE  
BY OPERATION OF LAW